by Ansel Adams in *This is the American Earth*

SIERRA CLUB LEGAL DEFENSE FUND, INC.

JOHN D. HOFFMAN
Executive Director

JAMES W. MOORMAN
LAURENS H. SILVER
MICHAEL R. SHERWOOD
Staff Attorneys, San Francisco

H. ANTHONY RUCKEL
Staff Attorney, Denver

October 30, 1974

Mr. Michael Phillips
President
POINT
P.O. Box 99554
San Francisco
California 94109

Dear Mr. Phillips:

I wish that we could help with the problem discussed in your October 24 letter, but unfortunately we don't know of anyone who could fill that need. I hope that someone else does.

Sincerely,

John D. Hoffman

JDH:e

San Francisco: 311 California Street, Suite 311, 94104; Telephone (415) 398-1411
Denver: 508 Majestic Bldg., 209 16th Street, 80202; Telephone (303) 892-6301

The New Alchemists

To Restore the Lands, Protect the Seas, And Inform the Earth's Stewards

October 30,1974

Michael Phillips
President
Point Foundation
P.O. Box 99554
San Francisco, Ca. 94109

Dear Michael:

Re: $150.000.00 loan to POINT

There is a man I have not met who is ~~$~~ said to be wealthy and interested in the kinds of things we do. He is a maverick, and from my second hand knowledge of him he might be the kind of guy to help. Name:

Stanley Marsh
American National Bank Building
Amarillo , Texas 79101

Try him.

Two other names come to mind...people I do know. First Joe Pierrepont, the chief fund raiser for the Environmental Defense Fund. His knowledge of where the specific money is is incredible. He may be reached through the Environmental Defense Fund, 162 Old Town Road, East Setauket, N.Y. 11733. Joe is a gold mine.. literally and figuratively.

The next guy is a friend who manages money for the International Independence Institute, and for the eastern land trusts. Again, he is part of the N.Y. financial scene, and like Joe he is a Patrician, being born into that castse. He personally is not wealthy but has many contacts. His name is :Ian Baldwin Jr. 191 Dean Street, Brooklyn, N.Y. 11217. He can be reached by telephone 212-625-4796 in the evenings. He is also a friend of Joe Pierrpont and has his phone number, which I don't have.

Good luck, and if I think of any others I'll contact you.

with fingers crossed, I am

John Todd

The New Alchemy Institute East • P.O. Box 432 • Woods Hole, Mass. 02543

P.S. Has POINT a copy of JOURNAL 2 yet ?

Educator's Film Guide

An educational service of Heritage House Developmental Learning Center · a non-profit corporation

Lloyd
To Dick A.

October 26, 1974

Director of Public Relations
Point Foundation
330 Ellis Avenue
San Francisco, California

Dear Sir:

This is an inquiry to determine what sorts of eligibility factors are involved when application is made by an educational, non-profit corporation for an education grant sponsored by the Point Foundation. We would appreciate receiving whatever information there is available, plus any application forms.

Thank you for your time and consideration of this matter. We await your earliest reply.

Sincerely,

Camille M. De Vere

Camille M. De Vere
Director

CMD/bb
cc

2244 Princeton Avenue · Los Angeles, California 90026 · (213) 666-2190

AMERICAN
INDIAN
INSTITUTE

Post Office Box 1388, Bozeman, Montana 59715 Telephone (406) 587-1002

November 8, 1974

Mr. Michael Phillips, President
POINT
P. O. Box 99554
San Francisco, California 94109

Dear Mr. Phillips:

Being grateful for the grant of $2, 500 made to the American Indian Institute from POINT in March, 1974, we wish it were possible to respond affirmatively to your recent letter with regard to collateral for funds to publish the Whole Earth Epilog.

We think it is totally appropriate for you to seek assistance from your grantees. If we were not in the opening stages of our development, and without capital assets, we would certainly participate with you -- which doesn't help you now, but we do want you to be aware of our attitude, and that we think your approach is refreshing.

We wish you the very best, and express again our thanks for your support, along with our regret that we cannot reciprocate at this time.

Sincerely,

R. Staffanson

Robert Staffanson
Executive Director

American Civil Liberties Union Foundation
22 East 40th Street • New York, New York 10016 • (212) 725-1222

November 6, 1974

Mr. Michael Phillips
President
POINT
P.O. Box 99554
San Francisco, California 94109

Dear Michael Phillips:

Thank you for your letter of October 24.

Sorry, no money, no loans.

I have just joined this operation as I slide out of DJB in Scarsdale. That source of good money runs out as of December 10th.

I have missed the opportunity of meeting you in California but hope to catch up with you on my next trip West, perhaps about the first of the year.

Sincerely,

Vincent F. McGee
Program Director

VFG:ms

Edward J. Ennis, President • Aryeh Neier, Executive Vice President • David Isbell, Harriet Pilpel, George Slaff, Vice Presidents
Winthrop Wadleigh, Treasurer • Norman Dorsen, Osmond K. Fraenkel, Marvin M. Karpatkin, General Counsel • Melvin L. Wulf,
Legal Director • Nancy Schwartz, Foundation Coordinator • Ben Clark, Development Director • Ruth Teitelbaum, Program Director.

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(100% recycled paper)

AGAPE Foundation

Community Fund for Nonviolent Social Change Projects

8 November 1974

Memo to: San Francisco Bay Area Alternative Foundations
Re: New York Alternative Foundation Group feedback meeting
From: Christopher Jones

Dear Friends,

Some of us had talked about getting together with Obie Benz and Merle Wollin in mid-November to talk with them about what happened at the October 16th Alternative Foundation Group meeting in New York City. We also saw this as an excuse to get the local alternative group together again for an informal gathering much like the one held September 22, 1973 at Pacific Change.

However both Obie and Merle report that nothing substantial or concrete enough came out of the one day meeting to warrant our meeting about it. The Agenda was loosely organized and there are few specifics to report.

Given the busy workload this time of year, we suggest instead of meeting now that we get together for an informal meeting in mid-January. This will be confirmed in mid-December.

Stay Well.

Love and Struggle,

Christopher W. Jones
Director/Consultant

ccs: Herb Allen
Richard Austin
Mary Ann Colwell
Ron Glanville
Pacific Change
Richard Parker
Michael Philips
Drummond Pike
Tom Silk
Ida Strickland
Vanguard Foundation
Merle Wollin

/els

Official Mailing Address: P.O. Box 6749 Stanford, Calif. 94305
Director/Consultant: 29 Henry St. San Francisco, Calif. 94114 (415) 626-2414

AGAPE Foundation

Community Fund for Nonviolent Social Change Projects

8 November 1974

Michael Philips
POSNJ
P.O. Box 99554
San Francisco, Ca. 94109

Dear Michael,

Howdy! I'm sending your letter of October 24 to a wealthy friend. Hopefully she'll be interested in helping with the loan. Will give you feedback if positive as soon as possible.

It was not really clear from your letter why you need to get POSNJ into debt! If the sales revenue to repay POSNJ comes in in April 1975 and your new Board will be granting late in 1975, what's the rush?

Am reading with pleasure your book. For your information am enclosing our Annual Report. Part of our program deals with developing alternative or sharing economics where "Any transaction shall be equally beneficial to both borrower and lender, both buyer and seller."

Stay Well and Good Luck.

Love and Struggle,

Christopher W. Jones
Director/Consultant

cc: Marian Moore
Enc.
/els

Official Mailing Address: P.O. Box 6749 Stanford, Calif. 94305
Director/Consultant: 29 Henry St. San Francisco, Calif. 94114 (415) 626-2414

POINT

P.O. BOX 99554 • San Francisco, Ca 94109 • (415) 928-8469

October 24, 1974

POINT GRANTEE

We need your help!

The Whole Earth Epilog has just come out, published by POINT, and the revenues from it will be available for a new Board of Directors to use for grants late next year.

Right now we need $150,000 to cover the printing costs of the first 380,000 copies. These copies are already sold to the book dealers and the dealers are now selling them to the public. But the sales revenue to repay POINT does not come in until April 1975, so we need a loan during that time (six months).

We have an arrangement with a bank to make the loan if we have a cosigner or cosigners who pledge $200,000 of collateral (stock, bonds, buildings, etc.). We will also accept a loan directly and pay interest of 4% over the prime rate.

Can you help us? If you have a close friend or know someone who loves the Whole Earth Catalog/Epilog and is willing to make a loan or pledge collateral, please call me directly.

Help a foundation get into debt? Yep!

Anything you can do will be appreciated; phone me collect (415-771-6300) to work out arrangements if you find someone - we have less than 30 days to do this.

Sincerely,

Michael Phillips
President

Nov 4th, 74

Sorry, but this Grantee ap-
preciates though she is, is compelled to
put every energy into the current strug-
gle for survival of the program on which
she is working which not sufficient backing
to last more than 2 years. I hope the
Epilog has taken the next step in effort to quench that

love to see "Harry and Tonto"
It's a movie that's worth
time out.

I really do think of you
in the midst of your movie
making and picture taking.

Be well!

Jess.

Mike dear one:

I'm SO GLAD WE MET!

and I wish that this note
held much money for The Whole
Earth Epilog or at least - promises
of much money, immediately.
For whatever it's worth, I have
no doubt that you'll get it.
In the midst of all the struggles
please, please - take you and those you

North American Predatory Animal Center • P.O. Box 161 • Mountain Place • Doyle, California 96109 ©
Formerly North American Association for the Preservation of Predatory Animals

1 November 1974

Michael Phillips
Point Foundation
P. O. Box 99554
San Francisco CA 94109

Dear Mr. Phillips,

I received your letter expressing the need of a loan. I only wish that I am in the position to do so but at this point in time we are in financial trouble ourselves, having only enough for the bare minimum.

Again, I am sorry that we cannot be of help, I sincerely hope that you will receive the amount that you need.

Sincerely,

Ingrid Lustig

Ingrid Lustig
Manager

enclosure

PRESIDENT — David Gumpert VICE PRESIDENT — Lorrie Gallagher EXECUTIVE DIRECTOR — Rose Lee

The PREDATOR

VOLUME I, NUMBER III | NAPAC NEWSLETTER | FALL, 1974

Go tell it on a Mountain Place

Commentary

A new name

Many changes have occurred up on Mountain Place since the last issue. The most obvious change is in the name of the organization itself, which now goes by the title of North American Predatory Animal Center.

Personnel changes have also been made. John Harris is no longer with the organization. He has claimed his wolves and is conducting his own educational programs. We wish him luck.

The new manager of Mountain Place is Ingrid Lustig who replaces Rose Lee who has accepted another position elsewhere. Lustig intends to continue the former manager's policy of promoting educational programs to dispel myths. David Gumpert (260 Piedmont Road, Larkspur, California 94939) continues to run the lecture programs. His wolf, Ida, accompanies him on his rounds.

Those of you in the Reno, Nevada area may want to catch NAPAC's program scheduled for sometime in early November at the University of Nevada; for information call NAPAC director Alice Nuwer at 784-4033 (mornings only) who is sponsoring the event for the UNR Graduate Students Association.

Although the organization continues to support all American predators, the Rocky Mountain wolf is receiving special consideration at this time in an effort to save him from extinction. Plans for eventual restocking are now being considered. The Rocky Mountain wolves are happily romping in their new tenth-of-an-acre enclosure built by Earl Lamon, and a one-acre pen should be ready by spring. Earl's hard work and good eye for structure have been indispensible this year.

Visitors continue to arrive at Mountain Place. A class from Feather River College was recently brought out by Lorrie Gallagher who teaches Animal Behavior at the eastern California institution.

Some things don't change. Money is as scarce as wolves in Michigan and the only thing keeping us going was a recent full page article in an Oakland newspaper which brought in some needed contributions. Snow is about three weeks away from landing on the Mountain and funds are desperately needed now.

This brings us to our request.

NAPAC is asking that each member recruit two new members for the organization this month. Recycle this newsletter and put it on the coffee table at your club, office, or school so that others can read it. We need new members desperately. Enough said.

Non-Profit Org.
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Wolves and the law

JAMES C. SCARFF

Caveat

The legal situation surrounding wolves is complex and often unclear. There are numerous federal and state statutes and regulations that govern wolves, and these are frequently ambiguous. The following does not purport to be a definitive memorandum on the law relating to wolves. It is a general survey of selected important state and federal laws that affect wolves in the United States. Much of the specific law relating to wolves occurs in the form of Fish and Game Department regulations which were not accessible to the author. The legal situation in this whole area is changing quite rapidly and will continue to do so under the impetus of the new Endangered Species Act of 1973. Many legal questions are unresolved, including the constitutionality of the provisions of that act concerning "resident" species of wildlife such as wolves. For detailed information about a particular problem, it would be best to write to the local fish and game department, the U.S. Fish and Wildlife Service, or a local lawyer.

The Federal Endangered Species Act of 1973

A good starting place is the brand-new federal Endangered Species Act of 1973. For the first time, this law attempts to give federal protection to native "resident" endangered or threatened species. This act makes it illegal to import, export, or engage in inter-state commerce in "species" of wolves or parts thereof listed as "endangered." There is no question that Congress has the constitutional authority to pass such prohibitions, and these sections apply regardless of local state laws.

The act also attempts to make it a federal crime to "take" any listed subspecies. This prohibition would apply fairly automatically in the case of species listed as "endangered." If an animal is classified as "threatened" rather than "endangered," there are no automatic statutory prohibitions. However, the Secretary of the Interior may at his discretion issue protective regulations as comprehensive as those covering "endangered" species.

Congress did not want to completely pre-empt state protective legislation or enforcement of endangered species laws. First, there are real questions as to Congress' constitutional authority to protect "resident," i.e. non-migratory, species, and Congress did not want to have to rely solely on a questionable federal statute. Second, Congress saw the enforcement of any endangered species laws as necessarily resting with state fish and game departments, since they are the only agencies with enough manpower to begin to do the job. For both of these reasons, Congress attempted to entice the states to protect endangered species by their own legislation.

The 1973 act sets up a federal grant-in-aid program to the states with an authorization to distribute $10 million over the next several years. The grants are administered through "cooperative agreements" with the states. There are three main conditions a state must satisfy before it can enter into a cooperative agreement. First, the management agency must have adequate statutory authority to take the necessary measures to restore any listed species to a non-threatened status. Second, the state must allow "for public participation in designating resident species of fish or wildlife as endangered or threatened." Third, the state management agency must have established acceptable conservation programs, consistent with the purposes and policies of this act, for all resident species of fish or wildlife in the state which are deemed by the Secretary (of the Interior) to be endangered or threatened.

To encourage the states to adopt the necessary legislation, the federal prohibition on the taking of resident species does not become effective during an "establishment period" which may last as long as 15 months. After this "establishment period," the federal prohibition is effective unless the state has made a "cooperative agreement" with the Department of the Interior in which case the federal law does not apply to the act of taking resident species.

There may well be situations where the state is adjudged to have an "acceptable conservation program" without affording wolves complete protection. The act defines "conservation" as including all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided are no longer necessary. Such methods include research, census, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved, may include regulated taking.

Therefore, a program of regulated taking of wolves, even sport trapping of wolves, might arguably satisfy the requirements of the act and exempt the state from the federal prohibitions against taking. However, a better reading of the statute would note the reference to only the extraordinary cases "where population pressures within a given ecosystem cannot otherwise be relieved," and would reject any established program of exploitation for sport.

One of the new features of the 1973 act is a provision for citizen suits. This provision allows "any person" to sue in federal court to enjoin "any person, including the United States and any other governmental instrumentality or agency" from a violation of the act or any regulation made pursuant to it, or to sue for a writ of mandamus to compel the Secretary of the Interior to act on his responsibilities under the act. The act even provides for the payment of attorney's fees and expert witness fees at the court's discretion.

Finally, the act does allow the Secretary of the Interior to issue emergency regulations which could protect resident species regardless of state law under certain circumstances. Such regulation normally requires that the Secretary allow the affected states 90 days notice of the regulation before it can become effective without the governor's consent, and the regulation only lasts for 120 days unless the normal rulemaking procedure is subsequently used. Such emergency regulations would only preempt state law during the "establishment period" and would not do so if the state had a cooperative agreement.

With the above background, the specific status of different subspecies of wolves can be more clearly discussed. Currently three subspecies of wolves are listed as endangered under the 1973 act: the red wolf (**Canis rufus**). the Northern Rocky Mountain wolf (**C. lupus irremotus**), and the Eastern timber wolf (**C.l. lycaon**) over its range in Michigan and Minnesota.

The Red Wolf

The red wolf (**Canis rufus**) is not protected by state law in Texas, the site of the last populations. In fact, several state statutes authorize counties to pay bounties for wolves trapped and to buy poison to distribute freely to ranchers. It is my belief that the counties in which the red wolf are still found (Brazoria County and east to Chambers and Orange Counties) have stopped paying bounties. I did not have access to county ordinances to verify this. Two National Wildlife Refuges (Brazoria and Anahuac) occur in part of the red wolf's range, and the animals are protected on these refuges. The red wolf will be clearly protected by the new federal Endangered Species Act. It should be noted that legal protection may not be critical in the fight for survival of the red wolf since the greatest threats to its future are hybridization with coyotes and continued deterioration of its habitat due to agricultural and industrial development.

C. W. Telford photo

CRICKET

The Northern Rocky Mountain Wolf

The half-dozen or so wolves that have appeared in Yellowstone National Park are currently protected because they are all within the park's boundaries. If they leave the park, they are not protected under state law in Wyoming, and the state government is even authorized to pay a bounty for wolves. The subspecies of wolf present is unknown, but it is assumed to be the Northern Rocky Mountain wolf (**Canis lupus irremotus**) which is on the Endangered Species list. Presumably under the 1973 act, this group of wolves will be described by their geographic range rather than an assumed taxonomic classification.

The Eastern Timber Wolf

Michigan: Four wolves have been recently transplanted to the northern peninsula of Michigan to join the remnant stragglers that managed to survive a long persecution. Many of the anti-wolf laws are still on the books, but wolves are fully protected in the state. The only legal problem facing wolves in Michigan is that coyotes are still bountied, and hunters and trappers may not be adequately discriminating. The twenty-plus wolves on Isle Royale (technically a part of Michigan) are also fully protected by National Park Service regulations.

Minnesota: The situation in Minnesota is most complicated, largely due to a complex state statue. The Eastern timber wolf (**Canis lupus lycaon**) found in Minnesota is currently listed as "endangered" under the 1973 federal Endangered Species Act; therefore all the federal prohibitions against export and inter-state commerce in these wolves apply. Unless the Minnesota Department of Natural Resources signs a "cooperative agreement" with the Department of the Interior within four months after the end of the Minnesota legislative session, the federal prohibitions against "taking" will also apply. If Minnesota does sign such a cooperative agreement, the federal prohibition on taking would apply only to the extent that the state also prohibits the taking of wolves. It might be worthwhile at this point to re-read the section on the federal Endangered Species Act of 1973.

If under Minnesota law the Minnesota Eastern timber wolf is listed as "endangered," then the Minnesota statute prohibits the "taking, import, transport, or sale" of such wolves or wolf hides except for (1) zoological, educational, or scientific study, (2) "enhancement of the propagation or survival of the affected species," or (3) as a last resort to prevent injury to persons or property. Note that under the Minnesota statute, the importation of Eastern timber wolf pelts from Canada would not be prohibited. However, if this became a problem, such importation and sale could be banned under a "similarity of appearances" clause in the federal Endangered Species Act.

If the commissioner of the DNR lists the Eastern timber wolf as "threatened," the prohibition against taking mentioned above for "endangered" species would not apply. The commissioner would be empowered to undertake management programs and issue regulations "necessary to bring the species to a point at which it is no longer threatened or endangered." "Regulated taking" would be permitted under such a management scheme, but only if it would be consistent with the legislative purpose stated above. Although it is possible that the DNR might try to adopt their proposed sport trapping program under this loophole, a sport trapping program would be so antagonistic to the stated purpose of the section that a court would not be likely to uphold it.

The Minnesota DNR currently operates a predator control program which takes approximately 90 wolves a year. This program is mainly operated to limit depredation on domestic livestock. Trappers were effectively deputized as predator control agents and paid bounties for each wolf they trapped within prescribed areas. If the wolf were classified as either "endangered" or "threatened" under state law, predator control activities would be allowed only upon a finding by the commissioner of the DNR that it was necessary "to bring the species to a point at which it is no longer threatened or endangered." Private predator control activities involving the capture or destruction of wolves would be permitted only "when necessary in an emergency to avoid an immediate and demonstrable threat to human life or property." If the wolf is classified as "endangered" under the state law, government trapping would be subject to the further requirement that all alternatives, including but not limited to live-trapping and transplantation, have been evaluated and rejected.

The DNR has in the past, and may in the future, attempted to conduct wolf trapping programs to benefit wildlife (deer) populations. Since deer are not usually considered "property," these programs would not be permitted as long as the wolf was "endangered" under state law. If the wolf was "threatened" under state law, such a program would require a finding that it was "necessary to bring the species to a point at which it is no longer threatened or endangered."

One fact that must always be considered in any discussion of aerial hunting in Alaska is the enforceability of any prohibition. Alaska is an enormous state with few people and fewer wildlife agents. It is often extremely difficult or impossible to prove that a given wolf was shot from the air or was shot in a particular game management unit. Even if one can make a strong case that the wolf was killed illegally, a prosecutor, a judge, and jury from interior Alaska are not likely to be overly concerned, and a conservationist runs into all the problems of discretion not to enforce the law, dismissed suits, and suspended sentences.

Jim Hunter of Alaska tried to get the FAA to ban all aerial hunting as being a dangerous technique in violation of FAA safety regulations. To date, he has been completely unsuccessful, but most of the correspondence with the FAA is reported in **Defenders of Wildlife** News (March 1973). (Aerial hunting is not a problem in other states since it is generally banned by respective state laws.)

Wolves are protected in National Parks in Alaska although they are reportedly subject to illegal poaching. Each National Wildlife Refuge has its own set of hunting and trapping regulations. These are often in close conformity with state regulations. They are usually changed each year, and can be found in Title 50 of the Code of Federal Regulations under each specific refuge.

States Without Wolves

At least two states that have no wolves have laws that serve to greatly protect wolves. New York and California are major centers of the fur industry, yet both states ban the sale of articles made from any subspecies of wolf. The law is somewhat confusing since both states have two endangered species laws, and in each state the wolf as a species is only protected under one of these laws.

New York: The New York statute is the famous "Mason Act" which was passed just before the federal Endangered Species Act of 1969. This is a very far-reaching act which has been interpreted quite broadly by the courts. The statute states: No part of the skin or body, whether raw or manufactured, of the following species of wild animals or the animal itself may be sold or offered for sale by any individual, firm, corporation, association of partnership within the state of New York.

The courts have held this prohibition to be constitutional. The law was held to prohibit a New York firm from holding products for sale outside the state. Finally, a New York corporation was prohibited from making sales to foreign customers when the goods were to be shipped from either a "foreign trade zone" or a "bonded warehouse." Since New York is the main headquarters of the large fur dealers, this act effectively prevents the large-scale use of wolf pelts in the fur trade.

Even if one can make a strong case that the wolf was killed illegally,

a prosecutor, a judge, and jury from interior Alaska are not likely to be overly concerned.

Besides the general authority conferred under the 1973 Endangered Species Act to the federal government to manage all resident endangered species, the federal government has more direct and clear constitutional authority to manage the wildlife resources on its own lands. Normally, through political agreement, wildlife is conceded to be a state resource and is managed by state fish and game departments even on federal land. The most common exception is the National Park System where states yield their management rights to the federal government and all animals are protected by federal regulation. Therefore, wolves will be protected on the lands of the new Voyageurs National Park in central Minnesota adjacent to the Canadian border.

Several years ago, in an unprecedented move, the Supervisor of Superior National Forest closed virtually the entire National Forest to the taking of wolves. He did this under authority derived from general Forest Service regulations and the Endangered Species Act of 1969. Due to the limited jurisdiction of the Forest Service, the ban applies only to federally owned lands within the National Forest and not to the extensive private in-holdings within the National Forest. This ban is still in effect and arguably affords a certain amount of protection to the wolf. It is quite likely that this ban will be lifted during the next year or so and replaced by a comprehensive state-wide management program.

One of the components of an earlier proposed management plan prepared by the DNR was a "sanctuary" for wolves where they could not be trapped. This sanctuary was to cover about 2,300 square miles in the northeastern corner of the state, roughly contiguous with the Boundary Waters Canoe Area. The new Minnesota endangered species law removed one technicality that would have prevented the establishment of such a sanctuary, but it does not require the establishment of the sanctuary. The commissioner of the DNR may or may not establish the sanctuary at his own discretion.

Alaska

Wolves receive some protection under state law in Alaska. They are classified as both "game" animals and "furbearers." Hunting and trapping regulations in Alaska are determined by the Fish and Game Commission for individual "game management units." The state is divided into 26 of these units and often each has a different policy; some have closed seasons on wolves, others have open seasons with bag limits, and some have open seasons and no bag limits. Details of these regulations can be obtained by writing the Alaska Fish and Game Department, Juneau, Alaska.

Alaska still technically has a $50 bounty on wolves, but it is available only to resident hunters and trappers who take wolves in the game management unit in which they reside. Since 1968, the Fish and Game Commission has authorized bounties only for game management units one, two and three in southeastern Alaska. In the last several years, the legislature has refused to appropriate funds to pay for the bounty.

The three subspecies of wolf found in Alaska (**Canis lupus pambasileus, C.l. tundrarum,** and **C.l. ligoni**) are not listed under the Endangered Species Act of 1973 so they receive no protection under this act. However, they do receive some protection under another federal law. In the past, aerial hunting of wolves with shotguns constituted about one-half of the annual kill. In 1971, Congress passed a law that was specifically designed to prohibit this activity. In 1972, the Alaska Fish and Game Department temporarily stopped issuing aerial hunting permits to study the act and the general desirability of aerial hunting. To my knowledge, this is where the situation stands as of this date.

The Alaska Fish and Game Department and many hunters have argued that it would be legal to issue aerial hunting permits to sport hunters notwithstanding the federal prohibition. When the federal law was written, an attempt was made to draft the statute in such a way asto continue to allow aerial hunting of coyotes preying on domestic livestock in the lower 48 states. However, the language used is not that specific. The relevant language of the statute affords an exception: to any person if such person is operating under a license or permit of, any state to administer or protect or aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops.

An argument can be made that aerial hunting of wolves is necessary as a predator control measure "to aid in the administration" of wildlife resources. This interpretation would defeat the legislative purpose of the bill as stated in the Committee Reports, but if taken to court, it might be upheld. There have been no court cases on this issue to date.

California: California also has two statutes regulating trade in endangered species. The Fish and Game Code provisions offer comprehensive protection to species listed by the Fish and Game Commission. So far the commission has only listed native California species so no wolves are protected under this provision. The provisions of the Penal Code prohibit the commercial sale of species listed by the legislature. These provisions prohibit the importation for commercial purposes of the parts or hides of all subspecies of wolf. Note that the statute does not prohibit the importation of live specimens nor the importation of dead bodies or parts for non-commercial purposes; i.e. it appears that one can still mail-order a wolf pelt, or buy it elsewhere and bring it back to California (subject to the restrictions of the federal Endangered Species Act of 1973).

Foreign Wolves

Under the Endangered Species Act of 1969, no subspecies of foreign wolves were listed as endangered. As of this writing, no foreign subspecies have been listed as endangered or threatened under the 1973 act. However, several subspecies of foreign wolves are listed in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora. The provisions of this treaty have been incorporated by reference in the Endangered Species Act of 1973.

The protection afforded by the Convention is not as extensive as the protection afforded to foreign species listed directly under the Endangered Species Act. One subspecies, **C.l. monstrabilis**, a wolf historically found in the northeastern corner of Mexico, western Texas, and New Mexico, is currently listed in Appendix I. Animals listed under Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

The Convention establishes a regulatory system of import and export permits issued by the exporting and importing countries.

Three subspecies of wolf are listed in Appendix II. These are **C.l. pallipes**, a wolf historically found in the Middle East from southeast Turkey through northern India; **C.l. irremotus**, the "Northern Rocky Mountain wolf," a wolf now found in areas of northwestern Wyoming, northern Idaho, and Alberta; and **C.l. crassadon**, a subspecies found on Vancouver Island in British Columbia. Appendix II species correspond roughly with "threatened species" under the 1973 act; i.e. they are species not immediately threatened with extinction, but their condition warrants close regulation of any exploitation and trade. Article IV of the Convention provides for a regulatory system governing trade in Appendix II species. This system is comparable to that for Appendix I species, but it does not require import permits and the conditions necessary for the issuance of permits are less stringent.

Concluding Thoughts

It is hoped that this memorandum gives some increased appreciation to the complexity and diversity of laws affecting the conservation of wolves in the United States. Many new state endangered species laws will be passed in the next couple of years under the incentives provided by the federal legislation, so the legal situation will be changing. The listing or delisting of wolves on federal or state lists is an administrative act and can change relatively quickly.

I think especially in the case of the Eastern timber wolf, conservationists should start thinking of what kind of management is desirable in a post-endangered period. Should the wolf be a "game animal"? Should the wolf be a "furbearer" eligible for trapping? Should human exploitation be limited to "sport" hunting or trapping, or should exploitation be allowed at all? Should special provisions be made for cultural groups such as Eskimos who have traditionally hunted small numbers of wolves for their own use? Where should wolves be re-introduced? The debate on these issues will rarely involve technical legal problems.

It is an area well-suited for conservation input, and management policies, (hopefully sensitive to biological constraints), will generally be determined by the agencies' perception of public attitudes. The endangered species laws mentioned above finally give us the tools to demand a rational, scientific, and enlightened policy toward wolves at all levels of government.

NEWS NOTES

Alaskan deaths remain high

The cessation of aerial hunting of wolves in Alaska after Fish and Game Commissioner James W. Brooks took office in July 1972 has had only limited effect on the state's dwindling wolf population. From July 1972 through June 1973, 1,069 wolves were taken by various means in Alaska compared to 1,335 the previous year—including 644 shot from small planes. The '72-'73 figures include 447 shot by hunters, 427 caught in traps, 174 snared, and 21 by miscellaneous means. In other words, hunters have found other ways to claim the valuable pelts of Alaska's wolves. More wolves were hunted from the ground (447) in 1972-73 than the previous year (260); more were taken in traps (427 compared to 339); and more were snared (174 compared to 84).

—Larry J. Farren

A question of taste

Salt Lake City—Debate over poisoning predators has raged for years in grazing country, but both sides are interested in a new concept—teaching coyotes to hate the taste of sheep.

Carl Gustavson, 27, a "behavorial ecologist" at the University of Utah, proposes feeding the dog-like animals a wool-covered package of mutton treated with a nonlethal chemical, lithium chloride.

The coyote eating this package would get sick and learn to despise the taste and smell of the wool and sheep meat, he theorizes.

The conditioning package would be left in sheep grazing areas in much the same way meat with lethal poison is used to kill coyotes.

—AP

Slide presentation available

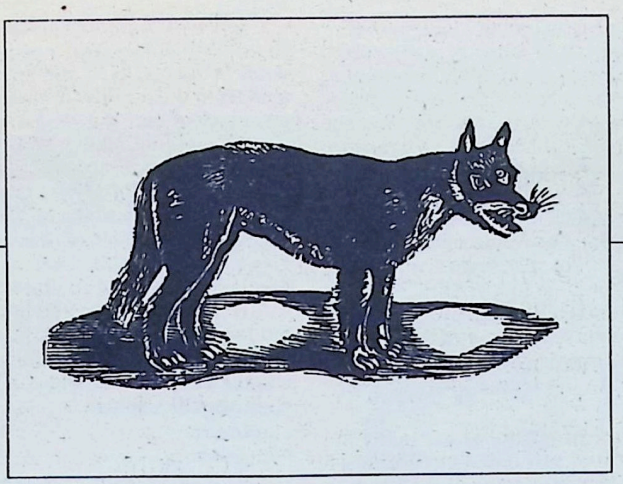
Matt Middleton and Jim Moore have put together a slide presentation to be used for fund-raising purposes and for our educational programs. The following people generously contributed to the project: Carol Rehfisch, Edith Jane Parke, Phillip Carret and Jean Smith. More thanks to: Raymond Wood, John Carnahan and Brett Glover who have been donating their welding skill to various projects on the Mountain; Penny Gerbode who generously donated fencing for new enclosures; W. Langedijk and Tod Hammond of the Fund for Animals; and special thanks to Wells Logan, Jr. who has been so generous in his encouragement and support.

Scientific Page

Page Meyerding, a student from Southern Oregon College, recently made a comparative study of behavior between the Rocky Mountain wolf family (**C.l.irremotus**) and the Interior Alaskan family (**C.l.pambasileus**). She found significant differences in the way the two subspecies bring up their young, due mostly to the presence of yearlings, Amber and Topaz, in the Rocky Mountain family.

Page spent eight to ten hours a day observing specific interactions of the pups and adults involving their play, their social hierarchy and their aggressions. Page often alerted the staff to new information that they, busy with Mountain Place duties, could not have time to collect.

NAPAC's facilities are available to scientists and students who wish to study the facility's wolves. Contact Ingrid Lustig at the Mountain Place for further information.



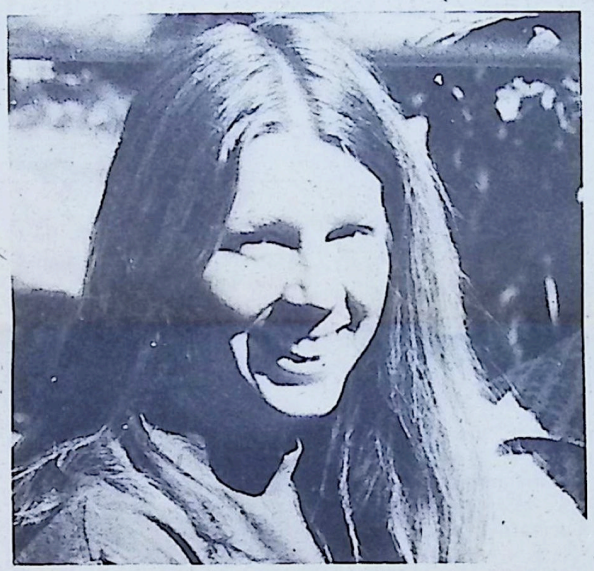
Nevada coyotes

CARSON CITY, Nev. (UPI)—Nevada sheepmen are reporting growing packs of coyotes attacking their flocks, despite a stepped-up effort by air and ground to protect the lambs.

Sheepmen have in the past paid 20 cents a head to help keep down the population of coyotes. The problem became so bad that in 1973 the Nevada Legislature appropriated an extra $300,000 a year for killing coyotes.

But most sheepmen are not satisfied with the results. Several years ago, President Richard Nixon banned the use of poison to kill the coyote. Now federal and state officials use traps and airplanes.

Most sheepmen would like to see a return to the use of poison. But environmentalists oppose it on grounds it would wipe out the coyote and other range animals.



INGRID LUSTIG: MOUNTAIN PLACE MANAGER

Timber wolf experiments

Two of the four eastern timber wolves, an endangered species, transplanted from Minnesota to Michigan in March of this year, have been killed—one by a car on a highway and the other by gunshot, according to the Department of Interior.

Both were males, leaving two females on their own in separate areas of Upper Michigan.

Biologists became suspicious when signals from the wolves' radio collars, monitored from aircraft, showed the animals in the same location on two consecutive flights several days apart. The hit-and-run victim was found by biologists in mid-July on a road in Iron County, Michigan. This animal had been the pack leader of the four wolves transplanted from Minnesota.

In late July the second dead wolf was found in a wooded area of Dickinson County, Michigan, after radio signals showed no movement by the animal in a week. It had died from three small caliber gunshot wounds in the body and head.

Federal agents have initiated an investigation into the killing of the wolf, which is protected under the Endangered Species Act. A private citizen has offered a $1,000 reward for information leading to the conviction of the offender.

The original pack of four wolves was released together in the wild and roadless Huron Mountains on the southern shore of Lake Superior last March, but they soon split, with the two males and one mature female moving west some 100 miles. These three then headed back toward the southwest, where they appear to have established a 250-square-mile home range in northern Iron County about 50 to 60 miles southwest of the original release point.

The fourth wolf, an immature female, never strayed far from the release point and today she ranges in a 200-square-mile area near the release point.

Additional transplants of wolves would require a permit under the Endangered Species Act. If another male is trapped in Minnesota and transplanted to Michigan, he may pair with one of the two females by next February when the breeding season begins.

Despite the loss of the two male wolves, biologists remain positive about the experiment. Dr. William Robinson of Northern Michigan University stated, "We have learned quite a bit. It is possible to conduct transplants such as this. That's the important question that needed answering. The wolves did not return to Minnesota as we thought they might when the three headed west. The direct mortality by man is a significant factor also," Robinson remarked. "This is particularly true when the animal population is so low. Each member is extremely valuable."

As to the future, Robinson reports, both females seem to have adapted to their new environment. They may meet and join individual wolves that occasionally roam into Michigan from Canada. Their food supply, which has been analyzed from droppings, is mainly deer.

Biologists hope to learn more of wolf behavior under transplant conditions when winter arrives and snow cover affords a better opportunity for close surveillance. Since the release last March, biologists have been flying two to three times a week to spot and track the wolves. This effort will be maintained through the coming winter as aircraft monitor the radio-collared females.

—from news release: Fish and Wildlife Service.

HELP!

Again Mountain Place finds itself short on funds, and apologetically must ask you, NAPAC's members, for help. NAPAC is organizing two fund-raising events for the remainder of 1974: a Membership Drive and a "Feed a Wolf for a Year" campaign.

The Membership Drive works this way: NAPAC's members are asked to go out and recruit two new members to help the wolves. If the organization can triple its membership, the urgent problems associated with maintaining Mountain Place would be eliminated.

The "Feed a Wolf" campaign involves the recruitment of Life Membership members at $125 each. A school class, Scout troop or similar groups would be eligible for the Feed Fund Life Membership. For the cost of feeding one wolf for a year, a member will receive a Life Membership to NAPAC, a photo of the wolf and recognition in the Christmas issue of The Predator.

Oh, and if your newsletter expires with this issue, please send in your renewal fees immediately or your membership and newsletter subscription will be stopped.

Alice Nuwer

I WISH TO HELP NAPAC:

[] $6 per year: regular membership
[] $3 per year: youth (under 12) membership
[] $125 Feed A Wolf For A Year
(Automatic life membership included)
[] $200: Put out a newsletter for NAPAC
[] Other:----------

Contributions are tax deductable.
Send to: NAPAC, Mountain Place, Doyle, Ca., 96109
Your Name--
Street--
City--
State and Zip Code--

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SCIENTIFIC ADVISORS: John Sullivan (Ph.D.), Erich Klinghammer (Ph.D.)

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